

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

<b>MITCHELL HAYWARD BAILEY,</b>	§	
<b>FPS NO. 89649-079,</b>	§	
<b>V.</b>	§	<b>C.A. NO. C-06-168</b>
	§	
<b>UNITED STATES OF AMERICA</b>	§	

**ORDER REGARDING MOTION TO PROCEED *IN FORMA PAUPERIS***

The Court has considered the appellant's application for leave to proceed *in forma pauperis* on appeal and his trust account information (D.E. 31). Plaintiff/appellant's inmate data reflects he has \$0.00 in his inmate account. The application (D.E. 31) is granted, and plaintiff's notice of appeal is accepted without prepayment of the filing fee.

Pursuant to the Prison Litigation Reform Act (PLRA), the following orders are entered:

1. The appellant is assessed an initial partial filing fee of \$0.00. The agency having custody of appellant shall collect this amount from the inmate's trust account when funds are available and forward it to the court.
2. Thereafter, the appellant shall pay **\$455.00**, the balance of the filing fee, in periodic installments as required by 28 U.S.C. § 1915(b)(2). The agency shall forward 20% of each deposit made to the plaintiff's account whenever the balance in the account exceeds \$10. This amount shall be collected from the appellant's trust account, when funds are available, and forwarded to the Clerk of the District Court.
3. The plaintiff shall sign all consents and other documents required by the agency having custody of plaintiff to authorize the necessary withdrawal from the plaintiff's inmate trust account.

5. The Clerk shall send a copy of this Order to the Inmate Accounting Officer, P.O. Box 34550, Memphis, Tennessee 38138.

NOTICE TO THE APPELLANT:

If you do not wish to pay the appellate filing fee as set forth in this Order, you must notify the Court in writing, by letter or motion, that you do not wish to prosecute the appeal. Your notice must be mailed within 30 days of the date of this Order.

ORDERED this 27<sup>th</sup> day of April, 2007.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE